

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

CERTA DOSE, INC.,

Debtor.

Chapter 11

Case No. 21-11045 (LGB)

**ORDER SCHEDULING HEARING
ON SHORTENED NOTICE TO CONSIDER
CHAPTER 11 TRUSTEE'S: (I) MOTION FOR ENTRY OF
AN ORDER AUTHORIZING THE RETENTION AND COMPENSATION OF
PROFESSIONALS UTILIZED IN THE ORDINARY COURSE OF BUSINESS; AND
(II) APPLICATION TO USE CASH COLLATERAL OF DR. CALEB S. HERNANDEZ**

Upon the motion of Kenneth P. Silverman, Esq., the chapter 11 operating trustee (the “Trustee”) of the bankruptcy estate of Certa Dose, Inc. (the “Debtor”) seeking the entry of an order (the “Order”) scheduling a hearing on shortened notice to consider the Trustee’s: (A) motion (the “OCPs Retention Motion”)¹ seeking entry of an order authorizing the Trustee to (i) retain and compensate the OCPs on a post-petition basis in accordance with the procedures set forth herein, without the need for each OCP to file formal applications for retention and compensation, and (ii) make certain payments to OCPs immediately in order to preserve the Debtor’s intellectual property assets; and (B) application (the “Cash Collateral Application”) seeking entry of an order authorizing the Trustee’s emergency use of cash collateral of Dr. Caleb S. Hernandez (the “Lender”) to immediately make certain payments to the OCPs in order to preserve the Debtor’s intellectual property assets; and after due deliberation and good and sufficient cause appearing for the relief granted herein; it is hereby

ORDERED, that a telephonic hearing will be held before the Honorable Lisa G. Beckerman, United States Bankruptcy Judge of the United States Bankruptcy Court for the

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the OCPs Retention Motion and/or the Cash Collateral Application.

Southern District of New York, Alexander Hamilton U.S. Custom House, New York, New York 10004 on **March 3, 2022, at 10:00 a.m.**, or as soon thereafter as counsel can be heard (the “Hearing”), to consider the OCPs Retention Motion and the Cash Collateral Application; and it is further

ORDERED, that Hearing will be conducted telephonically. All parties, including attorneys, clients, and *pro se* parties, may appear telephonically by registering with Court Solutions at www.court-solutions.com. Parties wishing to participate in or listen to a video hearing must register utilizing the Electronic Appearance portal located on the Court’s website at <https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl>. Parties do not need to contact the Courtroom Deputy to request prior authorization to appear telephonically. Further information on how to register with Court Solutions can be found in General Order [M-543](#); and it is further

ORDERED, that on or before **February 28, 2022**, (i) copies of this Order and the OCPs Retention Motion and the Cash Collateral Application shall be served by electronic mail or first class mail to (a) all parties whom or which have filed a notice of appearance in this case, (b) the Office of the United States Trustee for Region 2, and (c) any party that requests in writing from the Trustee’s counsel, SilvermanAcampora LLP, bpowers@silvermanacampora.com, to receive a copy of the Motion; and (ii) copies of this Order will be served by first class mail to (y) all of the creditors listed in the Debtor’s schedules, and (z) all parties that have filed a proof of claim in the Debtor’s case, including the Lender and its counsel; and it is further

ORDERED, that responses or objections, if any, to the relief sought in the OCPs Retention Motion and/or the Cash Collateral Application must be in writing, conform with the Bankruptcy Code and Rules, state with particularity the grounds thereof and be filed with the Court and served upon (i) counsel to the Trustee, SilvermanAcampora LLP, 100 Jericho Quadrangle, Suite 300,

Jericho, New York 11753, attention: Brian Powers, Esq., (ii) the Office of the United States Trustee for Region 2, 201 Varick Street, Room 1006, New York, New York 10004, and (iii) all parties that filed a notice of appearance in this case, so as to be received on or before **March 2, 2022, at 4:00 p.m.**; and it is further

ORDERED, that in accordance with Bankruptcy Rule 9006(c)(1), notice of the Hearing is shortened and shall be deemed to be sufficient and adequate if served in accordance with the terms of this Order.

Dated: New York, New York
February 25, 2022

/s/ Lisa G. Beckerman

Honorable Lisa G. Beckerman
United States Bankruptcy Judge

Certificate of Notice Pg 4 of 7

United States Bankruptcy Court

Southern District of New York

In re:

Certa Dose, Inc.

Debtor

Case No. 21-11045-lgb

Chapter 11

District/off: 0208-1

User: admin

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Date Rcvd: Feb 25, 2022

Form ID: pdf001

Total Noticed: 43

The following symbols are used throughout this certificate:

Symbol**Definition**

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
- # Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 27, 2022:**Recip ID****Recipient Name and Address**

- db Certa Dose, Inc., 101 Avenue of the Americas, 3rd Floor, New York, NY 10013-1942
- intp Caleb S. Hernandez, Medina Law Firm LLC, 641 Lexington Avenue, Thirteenth Floor, New York, NY 10022-4503
- cr Daniel Hoffman, 15 Hudson Yards, 33B, New York, NY 10001-2162
- unk Eric M Huebscher, 630 3rd Avenue, 21st Floor, New York, NY 10017-6751
- unk Stephen R. Hoffenberg, 1200 17th Street, Suite 3000, Denver, CO 80202-5855
- 7846330 Alan C. Friedberg, Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, CO 80302-5517
- 7846331 Alan Young Synn, 1302 S. Uinta Ct., Denver, Denver, CO 80231-2742
- 7846332 Anthony R. Mayer, 210 University, Blvd., Suite 650, Denver, CO 80206-4643
- 7846333 Brian Harrington, 769 Sandhill Cir., Steamboat Springs, CO 80487-3114
- 7846335 COPIC Insurance Company, 7351 E Lowry Blvd #400, Denver, CO 80230-6083
- 7846334 Caleb Hernandez, PO Box 838, Denver, CO 80201-0838
- 7862335 Chad S. Caby, Lewis Roca Rothgerber Christie LLP, 1200 17th Street, Suite 3000, Denver, CO 80202-5855
- 7846336 Davis Hurley, 7441 E 8th Ave, Denver, Denver, CO 80230-6120
- 7846337 Department of Revenue, Taxation Division, P.O. Box 17087, Denver, CO 80217-0087
- 7849219 ERIC S. MEDINA, ESQ., MEDINA LAW FIRM LLC, 641 LEXINGTON AVENUE, THIRTEENTH FLOOR, NEW YOR, NY 10022-4503
- 7846338 Fortis Law Partners, Certa Dose, Inc, 1900 Wazee Street, Ste. 300, Denver, CO 80202-1259
- 7846339 Frederick J. Baumann, LEWIS ROCA ROTHGERBER CHRISTIE LLP, 1200 17th Street, Suite 3000, Denver, CO 80202-5855
- 7846340 Geraldine Lewis-Jenkins, 139 Harrison St, Denver, Denver, CO 80206-5538
- 7852840 Holland & Knight LLP, 31 West 52nd Street, New York, New York 10019-6122, Attn: Arthur E . Rosenberg, Esq.
- 7846342 Kevin M. Shea, Richilano Shea LLC, 1800 15th Street, Suite 101, Denver, CO 80202-7134
- 7846343 LFD III GRAT U/A 8.26.15, 1130 S. Franklin Street, Denver, CO 80210-1719
- 7846344 Marshall Dennehey, 2000 Market Street, Suite 2300, Philadelphia, PA 19103-7006
- 7846345 Matthew Fleishman, 260 Monroe St, Denver, Denver, CO 80206-5506
- 7846346 Matthew R. Groves, Groves Law LLC, 281 South Pearl Street, Denver, CO 80209-2017
- 7904904 Michael Fallon, 508 Village Walk Ln, Clemson 29631-3310
- 7846347 Niles Cole, 703 S Hudson St, Denver, Denver, CO 80246-2309
- 7905189 Nils Albert, PO Box 120, Frisco, CO 80443-0120
- 7846349 Phoebe Fisher, 490 Apple Grove Rd., Coatesville, PA 19320
- 7862495 SANDRA HOROWITZ, 454 COOK ST., DENVER, CO. 80206-4425
- 7892056 Sandra P Escobar, 11351 E 110th Way, Henderson, CO 80640-7718, ,
- 7893556 SilvermanAcampora LLP, 100 Jericho Quadrangle, Suite 300, Jericho, New York 11753-2702, Attn: Brian Powers, Esq.
- 7846350 Stephen R. Hoffenberg, 48 Brookhaven Drive, Littleton, CO 80123-6690
- 7846351 The Law Office of Josue D. Hernandez, Certa Dose, Inc, P.O. Box 8383, Denver, CO 80201-8383
- 7846352 Theodore Clarke, 25149 US Highway 40, Golden, CO 80401-9347
- 7846353 Thomas S. Cowan, 1001 Michigan Avenue, Wilmette, IL 60091-1933
- 7904863 Todd Schaefer, 1750 Wewatta St #530, Denver, CO 80202-6655
- #+ Tyler M. Nemkov, LEWIS ROCA ROTHGERBER CHRISTIE LLP, 1200 17th Street, Suite 3000, Denver, CO 80202-5855
- 7846355 U.S SBA, Aattn: Diana Mukibi, 10737 Gateway West, #300, El Paso, TX 79935-4910
- 7848985 U.S. Small Business Administration, 200 W. Santa Ana Blvd., Ste 740, Santa Ana, CA 92701-7534

TOTAL: 39

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

District/off: 0208-1

User: admin

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Date Recd: Feb 25, 2022

Form ID: pdf001

Total Noticed: 43

Recip ID	Notice Type: Email Address Email/Text: sbse.cio.bnc.mail@irs.gov	Date/Time	Recipient Name and Address
7846341		Feb 25 2022 18:57:00	Internal Revenue Service, PO Box 7346, Centralized Insolvency Agency, Philadelphia, PA 19101-7346
7856383	+ Email/Text: RASEBN@raslg.com	Feb 25 2022 18:57:00	JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
7848117	Email/Text: DOREBN@DOR.STATE.MA.US	Feb 25 2022 18:57:00	MASSACHUSETTS DEPARTMENT OF REVENUE, MASS. DEPT. OF REVENUE ATTN:BANKRUPTCY U, PO BOX 9564, Boston, MA 02114-9564
7846348	Email/Text: nys.dtf.bncnotice@tax.ny.gov	Feb 25 2022 18:57:00	NYS Dept of Tax And Finance, Bankruptcy Section, PO Box 5300, Albany, NY 12205-0300

TOTAL: 4

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Alan Synn, M.D.
cr		Anthony Mayer
cr		Brian Harrington, M.D.
cr		COPIC Insurance Company
cr		Davis Hurley, M.D.
cr		Geraldine Lewis Jenkins
cr		Katherine Driscoll
cr		Matthew Fleishman, M.D.
cr		Niles Cole
cr		Pacific Western Bank
cr		Phoebe Fisher
cr		Theodore Clarke, M.D.
cr		Thomas S. Cowan
7888129		AmerisourceBergen Drug Corporation
7866379	*+	Frederick J. Baumann, Lewis Roca Rothgerber Christie LLP, 1200 17th Street, Suite 3000, Denver, CO 80202-5855

TOTAL: 14 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 27, 2022

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 25, 2022 at the address(es) listed below:

Name	Email Address
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Alan Charles Friedberg

District/off: 0208-1

Date Rcvd: Feb 25, 2022

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Form ID: pdf001

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Total Noticed: 43

on behalf of Creditor Phoebe Fisher acf@bhgrlaw.com ehs@bhgrlaw.com;jak@bhgrlaw.com

Alan Charles Friedberg

on behalf of Creditor Katherine Driscoll acf@bhgrlaw.com ehs@bhgrlaw.com;jak@bhgrlaw.com

Alan Charles Friedberg

on behalf of Creditor Thomas S. Cowan acf@bhgrlaw.com ehs@bhgrlaw.com;jak@bhgrlaw.com

Alan Charles Friedberg

on behalf of Creditor Anthony Mayer acf@bhgrlaw.com ehs@bhgrlaw.com;jak@bhgrlaw.com

Arthur E. Rosenberg

on behalf of Creditor Pacific Western Bank arthur.rosenberg@hklaw.com

Brian Powers

on behalf of Trustee Kenneth Silverman bpowers@silvermanacampora.com htrust@silvermanacampora.com

Chadwick Caby

on behalf of Creditor COPIC Insurance Company ccaby@lewisroca.com jeastin@lewisroca.com

Chadwick Caby

on behalf of Unknown Stephen R. Hoffenberg ccaby@lewisroca.com jeastin@lewisroca.com

Edward Joseph Hafer

on behalf of Creditor Alan Synn M.D. ehafer@grovesllc.com

Edward Joseph Hafer

on behalf of Creditor Brian Harrington M.D. ehafer@grovesllc.com

Edward Joseph Hafer

on behalf of Creditor Niles Cole ehafer@grovesllc.com

Edward Joseph Hafer

on behalf of Creditor Geraldine Lewis Jenkins ehafer@grovesllc.com

Edward Joseph Hafer

on behalf of Creditor Theodore Clarke M.D. ehafer@grovesllc.com

Edward Joseph Hafer

on behalf of Creditor Matthew Fleishman M.D. ehafer@grovesllc.com

Edward Joseph Hafer

on behalf of Creditor Davis Hurley M.D. ehafer@grovesllc.com

Eric Michael Huebscher

on behalf of Unknown Eric M Huebscher ehuebscher@huebscherconsulting.com

Eric S. Medina, Esq.

on behalf of Interested Party Caleb S. Hernandez emedina@medinafirm.com ecf@medinafirm.com

Frederick James Baumann

on behalf of Creditor COPIC Insurance Company fbaumann@lewisroca.com

Frederick James Baumann

on behalf of Unknown Stephen R. Hoffenberg fbaumann@lewisroca.com

Kenneth Silverman

filings@spallp.com ksilvermanNYSB@ecf.axiosfs.com

Matthew Groves

on behalf of Creditor Davis Hurley M.D. matt@grovesllc.com, vanessa@grovesllc.com

Matthew Groves

on behalf of Creditor Niles Cole matt@grovesllc.com vanessa@grovesllc.com

Matthew Groves

on behalf of Creditor Geraldine Lewis Jenkins matt@grovesllc.com vanessa@grovesllc.com

Matthew Groves

on behalf of Creditor Alan Synn M.D. matt@grovesllc.com, vanessa@grovesllc.com

Matthew Groves

on behalf of Creditor Brian Harrington M.D. matt@grovesllc.com, vanessa@grovesllc.com

Matthew Groves

on behalf of Creditor Matthew Fleishman M.D. matt@grovesllc.com, vanessa@grovesllc.com

Matthew Groves

on behalf of Creditor Theodore Clarke M.D. matt@grovesllc.com, vanessa@grovesllc.com

Norma E. Ortiz

on behalf of Debtor Certa Dose Inc. email@ortizandortiz.com, bkcourt@gmail.com;ortiznoticeme@gmail.com;ortizandortiz@gmail.com;ortiznr70019@notify.bestcase.com

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Ronald J. Friedman

on behalf of Trustee Kenneth Silverman filings@spallp.com
RFriedman@SilvermanAcampora.com;DMahoney@SilvermanAcampora.com;CGiardino@SilvermanAcampora.com

Todd D Zumbrennen

on behalf of Creditor Daniel Hoffman damien@zumbrennen.com

United States Trustee

USTPRegion02.NYECF@USDOJ.GOV

TOTAL: 31